

Title IV-E Adoption Assistance

Eligibility Determination Procedures

SECTION 1: Authority/Overview

1-1. *Authority*

Title IV-E of the Social Security Act provides Federal funding for adoption assistance for children who meet eligibility criteria. Title IV-E also provides funding for administration and training for the adoption assistance programs [U.S. Code Title 42, Chapter 7, Subchapter 4, Part E, “Federal Payments for Foster Care and Adoption Assistance”].

1-2. *Overview of Title IV-E for Adoption Assistance*

Title IV-E benefits are individual entitlements for an eligible child qualifying for adoption assistance. The Federal government shares in the cost of:

- A. One-time reimbursement for non-recurring adoption expenses;
- B. Monthly subsidy payments;
- C. Administering the adoption assistance program; and
- D. Training staff and adoptive parents.

SECTION 2: General Requirements for IV-E Adoption Assistance

2-1. *Time Frame for Determination of Eligibility for Adoption Assistance*

The eligibility worker is responsible to document if a child is eligible for Title IV-E adoption assistance. Eligibility determination for adoption assistance is completed after regional staff have determined that a child qualifies for adoption assistance. Eligibility determination must be completed prior to finalization of the adoption assistance agreement and prior to finalization of the adoption.

In the case of adoption assistance being requested after finalization, eligibility is determined after the administrative appeal and hearing process has been completed.

If a child is determined eligible for Title IV-E adoption assistance, this means:

- If the child is receiving a monthly subsidy, the Division is reimbursed for a portion of the cost with Federal Title IV-E funds.
- The child is eligible for Medicaid in any state in which the child resides while the adoption assistance agreement is in effect.

2-2. Child's Age

To be initially determined IV-E eligible for adoption assistance a child must be a minor under age 18.

2-3. Citizenship

To be IV-E eligible for adoption assistance, a child must be either a United States citizen by birth or naturalization or must be a qualified alien at the time adoption proceedings were initiated. Qualified alien status must be verified through the Immigration and Naturalization Services verification process.

Automatic Citizenship.

Children, both biological and adopted, born in a foreign country automatically become U.S. citizens when they meet all of the following criteria at the same time **on or after** February 27, 2001.

1. **At least one parent is a U.S. Citizen either by birth or naturalization.** The parent may become naturalized after the birth or adoption of a foreign born child; **AND**
2. **The child is under age 18.** If an individual has turned 18 before February 27, 2001, or if the child turns 18 before a parent becomes a U.S. citizen, automatic citizenship does not apply; **AND**
3. The child is living in the United States pursuant to a lawful admission for permanent residence and resides in the legal and physical custody of a U.S. Citizen parent. Permanent resident status could have been granted before, on or after February 27, 2001. The child must be residing with the U.S. Citizen parent on or after February 27, 2001; **AND**
4. For an adopted child born outside the U.S., the adoption has been finalized either in the country from which the child is being adopted or in the United States. The adoption can take place in another country or in the U.S., and finalization may occur before, on or after February 27, 2001.

If a qualified alien child receiving adoption assistance is adopted by a parent who is a U.S. citizen, there is no longer a waiting period for Medicaid eligibility once the adoption is finalized, regardless of whether or not the child is IV-E eligible. (Contact the Title IV-E/Medicaid Trainer when additional information pertaining to qualified alien status is needed.)

2-4. Criminal Background Screening

A child who is in the legal custody of the state may only be placed with prospective adoptive parents who have passed criminal background screening requirements as defined in state law.

Beginning April 1, 2007, initial background screening for prospective adoptive parents of a child in state custody and any adults living in the home consists of:

1. A fingerprint based FBI national criminal history records check for each prospective adoptive parent and each adult living in the home;
2. Bureau of Criminal Identification report for Utah;
3. Utah child and adult abuse and neglect registry checks;
4. If the prospective adoptive parents or any adult living in the home resided outside of Utah in the five years prior to the date of application as an adoptive parent, a child abuse and neglect registry check for each adult living in the home for each state in which they resided.

“Prospective adoptive parent” means a family that is licensed, certified or approved as a resource or adoptive family and is willing to have a child in state custody (protective, temporary, adjudicated, or voluntary custody) placed on or after April 1, 2007 for the purpose of adoption. “Prospective adoptive parent” also applies if a child in state custody was initially placed for foster care, but the status is changing to an adoptive placement and the adults living in the home have not previously met the April 1, 2007 background screening requirements, and the petition to adopt was not filed with the court prior to April 1, 2007. If the family filed the petition for adoption with the courts prior to April 1, 2007, they are not considered a “prospective adoptive family” and they are not subject to the background check requirements of the Adam Walsh Act.

Criminal background clearance for applicable persons in the home is verified as part of the adoption assistance eligibility determination process by reviewing either the hard copy of the cleared background screening application or the electronic background screening record.

SECTION 3: Determining IV-E Eligibility For A Child Qualifying For SSI

A child who has been determined eligible for Supplemental Security Income (SSI) by the Social Security Administration prior to the initiation of the adoption proceedings is eligible for Title IV-E adoption assistance.

Verification of eligibility for SSI is required. A copy of the award letter or proof of an SSI payment meets the verification requirement.

SECTION 4: Determining IV-E Eligibility for a Child Adopted by a Caretaker Relative

There is no longer a separate category of eligibility for Title IV-E adoption assistance for a child adopted by a caretaker relative. To qualify for Title IV-E adoption assistance, a child must meet the requirements for a child entering adoption from State foster care (Section 5); must have been approved to receive SSI (Section 3); or must have had a Title IV-E adoption assistance agreement in a previous adoption (Section 6). [ACYF-CB-PA-01-01]

SECTION 5: Determining IV-E Eligibility for a Child Entering Adoption Through the State Foster Care System

5-1. *Foster Child Adoption, First Adoption*

A child being adopted for the first time through the State foster care system is Title IV-E eligible for adoption assistance if the following are met:

A. Initial Eligibility Determination While in Foster Care

The child must have met all criteria for Title IV-E eligibility on the initial eligibility determination for the current episode of foster care.

B. Child Entering Care by Voluntary Placement Agreement

In addition to 5-1.A. above, a child who entered State foster care through a voluntary placement agreement must also meet the following to qualify for Title IV-E adoption assistance:

1. A court order must have been obtained by the 181st day of placement ordering the child into the custody of the Division and including “contrary to the welfare/best interest” language.
2. At least one Title IV-E foster care maintenance payment must have been made for the child.

C. Child Entering Care by Up-Front Relinquishment of Parental Rights

In addition to 5-1.A. above, a child who entered State foster care as a result of parents voluntarily relinquishing parental rights to the Division must also meet the following to qualify for Title IV-E adoption assistance:

Within six months of the child’s entry into foster care, a petition must have been filed and subsequent court order issued that judicially removes the child from home and includes “contrary to the welfare/best interest” language. A court order that merely sanctions the relinquishment of parental rights does not meet Title IV-E requirements.

D. Adoption of a Baby of a Foster Child

Adoption assistance eligibility for a baby born to a foster child is based upon the foster child’s eligibility if the baby is not taken into state custody. (If the baby is taken into custody or is not placed with the foster child, then a separate eligibility determination following normal eligibility procedures is completed for the baby.)

For a baby not in state custody, if the foster child met eligibility requirements in 5-1.A. above, and if applicable 5-1-B or 5-1.C., the baby will be Title IV-E eligible for adoption assistance, if the following additional requirements are also met:

The baby’s needs must have been met through Title IV-E foster care payments made to or for the child’s minor parent (the foster child). In addition, the baby must have remained

with the foster child until the initiation of adoption proceedings.

SECTION 6: Determining IV-E Eligibility for a Child With Previous Title IV-E Adoption Assistance Agreement

A child who was eligible for Title IV-E adoption assistance in a previous adoption qualifies for Title IV-E adoption assistance in a subsequent adoption.

Documentation of the previous adoption assistance agreement must be maintained in the case record.

SECTION 7: Determining IV-E Eligibility for a Child Entering Adoption Outside the State Foster Care System Through a Licensed Child Placing Agency

A child being adopted outside of the foster care system, through a private, licensed child placing agency, **only** qualifies for an adoption assistance monthly subsidy or subsidized adoption Medicaid if the child meets the SSI criteria specified in Section 3 or had a previous Title IV-E adoption assistance agreement as specified in Section 6.

When SSI requirements or previous Title IV-E adoption assistance agreement criteria are met, and the child otherwise qualifies for adoption assistance, the child being adopted through a licensed child placing agency is Title IV-E eligible.

SECTION 8: Determining IV-E Eligibility for a Child Entering Adoption Outside the Foster Care System Through an Independent Adoption

A child being adopted outside of the foster care system through an independent adoption **only** qualifies for an adoption assistance monthly subsidy or subsidized adoption Medicaid if the child meets the SSI criteria specified in Section 3 or had a previous Title IV-E adoption assistance agreement as specified in Section 6.

When SSI requirements or previous Title IV-E adoption assistance agreement criteria are met, and the child otherwise qualifies for adoption assistance, the child being adopted independently is Title IV-E eligible.

SECTION 9: Medicaid Eligibility for a Child With Adoption Assistance

A child who is determined eligible for Title IV-E adoption assistance is categorically eligible for Medicaid in any state in which the child resides while the adoption assistance agreement is in effect, when specified in the adoption assistance agreement.

A child who is not IV-E eligible for adoption assistance may qualify for Medicaid by state plan option, depending upon rules of the state issuing adoption assistance and participation in interstate compacts. Utah makes Medicaid available to all children with special needs receiving Utah adoption assistance, regardless of the child's Title IV-E eligibility status, when citizenship and identity requirements are met (see Section 2-3). In addition, Medicaid is available to children with adoption assistance agreements originating in others states if the state is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA).

Medicaid Policy Volume IIIF, Section 355, specifies Medicaid rules for children receiving adoption assistance (subsidized adoptions) in Utah.

SECTION 10: Adoption Assistance and the Interstate Compact on Adoption and Medical Assistance (ICAMA)

Eligibility determination for interstate adoptions pertains primarily to provision of Medicaid for a qualified child with adoption assistance in accordance with state laws and interstate agreements.

10-1. *Child with Utah Adoption Assistance Moving from Utah*

When a child with Utah Adoption Assistance moves from Utah, eligibility workers are primarily responsible for the following:

- A. If the child is Title IV-E eligible, work with the subsidy technician to identify the Utah Medicaid closure date the subsidy technician will specify on the ICAMA forms. Close Medicaid effective on the specified date. Provide certified copies of citizenship and identify documentation for submission with ICAMA paperwork.
- B. If the child is not Title IV-E eligible, work with the subsidy technician to determine if Utah Medicaid will be closed or to get an updated address in the new resident state. Close Medicaid effective on the specified date, if applicable, or update address information, as needed.

10-2. *Child with Adoption Assistance from Another State Moving to Utah*

When a child with adoption assistance from another state moves to Utah, eligibility workers are primarily responsible for the following:

- A. Obtain written authorization to open Utah Medicaid from the designated ICAMA administrator, with program category specified. Also obtain from the program administrator applicable ICAMA paperwork and copy of adoption assistance agreement.
- B. Obtain additional information required for Utah Medicaid from adoptive parents, such as copy of birth certificate, identity documentation, and third party liability information.
- C. Maintain Medicaid case in accordance with Medicaid rules.

- D. Notify the ICAMA administrator of the date on which the child's Medicaid case opened.

SECTION 11: Miscellaneous Eligibility Issues Related to Adoption Assistance

11-1. *Age/Termination of Eligibility*

Except as it pertains to maintenance of Medicaid, there is no need for the eligibility worker to determine continuing Title IV-E eligibility for the child with adoption assistance. Generally adoption assistance and its accompanying Title IV-E eligibility end when a child reaches age 18. However, the state may extend adoption assistance beyond age 18 when a child's disability warrants it. Title IV-E eligibility continues if the adoption assistance agreement is continued.

Medicaid coverage for a child with adoption assistance in Utah ends when the child reaches age 18, unless the state has extended adoption assistance beyond age 18 and the child is Title IV-E eligible.

If a child with adoption assistance is not Title IV-E eligible, Medicaid is discontinued at age 18 regardless of an extension to adoption assistance.

11-2. *Social Security Number and HLCI "O" Number*

- A. Eligibility workers are responsible to assign new High Level Client Index (HLCI) numbers for adoptive children, when appropriate.

The Subsidized Adoption Medicaid case should be opened under a new case number in Pacmis regardless of whether the Social Security numbers and HLCI numbers are changed. B. When a child is being adopted by kin, even if receiving a new name, the existing HLCI number is retained, unless one of the following circumstances can be documented: (1) harassment by birth family, or (2) client's identity is being used fraudulently by birth family.

- C. If a child is receiving a new last name, a new HLCI number will be assigned (except for a kinship adoption). If a child's last name remains the same, the existing HLCI number will be retained.
- D. If the child's HLCI number is changed, the Social Security Number will be removed from the former HLCI in applicable management information systems, unless the Social Security Number has also been changed (which will be extremely rare).

11-3. *Adoption Assistance Eligibility Record Keeping*

Eligibility workers are responsible to maintain eligibility records for all adoption assistance cases in which Medicaid is opened. Generally this record will be separate from the adoption assistance record while the case is open.

Once the adoption assistance case is closed, the Medicaid record must be combined with the adoption assistance record for archiving.

If an eligibility worker determined eligibility for adoption assistance for an adoption assistance case in which Medicaid isn't being opened, documentation of the eligibility determination must be maintained in the adoption assistance record.